

### **REMARKS**

In response to the Office Action mailed November 10, 2009, Applicants respectfully request reconsideration. Claims 66, 67, 71, 74, 75, 77, 78, 82, 174, 175, 181 and 184-191 were previously pending in this application. By this amendment, claim 191 is canceled without prejudice or disclaimer. Claims 66, 174, 175, 181, 184-186, 188 and 190 have been amended. New claim 192 has been added. As a result, claims 66, 67, 71, 74, 75, 77, 78, 82, 174, 175, 181, 184-190 and 192 are pending for examination with claims 66, 186 and 190 being independent claims. No new matter has been added.

#### **Objection to the Specification**

The specification is objected to for purportedly failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Office Action asserts that the limitation in claim 66 beginning “interacting with the thin client wearable computer, the interacting comprising providing information about the current state of the remote user to the thin client wearable computer and receiving information about the current state of the remote user from the thin client wearable computer” is not supported in the specification. Applicants respectfully disagree. This limitation is supported in the specification, for example, on page 6, lines 4-20 and on page 12, line 15 – page 14, line 23 which describes exchange of information between a wearable computer and a non-portable computer, which is an example of a computer separated from a remote user. Accordingly, withdrawal of the objection is respectfully requested.

#### **Rejections Under 35 U.S.C. §102**

Claims 66, 67, 71, 72, 74, 75, 77, 78, 82, 174, 175, 181, and 184-191 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Jacobsen et al., U.S. Patent No.6,198,394 (hereinafter Jacobsen).

Independent Claim 66

Claim 66, as amended, is directed to a method for operating a user characterization system, which executes on a computer separate from a remote user wearing a thin client wearable computer, to provide information about a current state of the remote user. Claim 66 recites, *inter alia*:

interacting with the thin client wearable computer, the  
interacting comprising  
    providing a value for at least one of the modeled other state  
    attributes to the thin client wearable computer, said value  
    indicating the activity of the user, and  
    receiving information about the current state of the remote  
    user from the thin client wearable computer.

Amendments to claim 66 are supported in the specification, for example, on page 6, lines 4-20 and on page 13.

Claim 66 recites that “a value... indicating the activity of the user” is provided to the thin client wearable computer from the user characterization system. Jacobsen describes a leader/medic that can remotely instruct an integrated sensor unit of a soldier to provide more frequent updates of the soldier’s physiological data and status (col. 9, ll. 11-19). This instruction may be sent by the leader/medic unit, for example, in response to an indication that there is a threat to the health of the soldier. Jacobsen does not teach or suggest that the instruction sent from the leader/medic unit to the integrated sensor unit provides “a value for at least one of the modeled other state attributes to the thin client wearable computer, said value indicating the activity of the user” as recited in claim 66.

Accordingly, claim 66 patentably distinguishes over the prior art of record, such that the rejection of claim 66 under 35 U.S.C. §102 should be withdrawn.

Claims 67, 71, 72, 74, 75, 77, 78, 82, 174, 175 and 181 depend from claim 66, incorporate all of its limitations, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections, Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicants reserve the right to argue further for the patentability of these claims.

### Independent Claim 186

Claim 186, as amended, is directed to a system that communicates wirelessly with a mobile computer at a remote location to provide at least a portion of a current state to the remote computer. Claim 186 recites, *inter alia*, “a transmitter for wirelessly transmitting the at least a portion of the current state from the system to the remote computer, the at least a portion of the current state including the second value indicating the user activity.”

Jacobsen describes a leader/medic that can remotely instruct an integrated sensor unit of a soldier to provide more frequent updates of the soldier’s physiological data and status (col. 9, ll. 11-19). This instruction may be sent by the leader/medic unit, for example, in response to an indication that there is a threat to the health of the soldier. Jacobsen does not teach or suggest that the instruction sent from the leader/medic unit to the integrated sensor unit provides “at least a portion of the current state from the system to the remote computer, ***the at least a portion of the current state including the second value indicating the user activity***” as recited in claim 186.

Accordingly, claim 186 patentably distinguishes over the prior art of record, such that the rejection of claim 186 under 35 U.S.C. §102 should be withdrawn.

Claims 187-189 depend from claim 186, incorporate all of its limitations, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections, Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicants reserve the right to argue further for the patentability of these claims.

### Independent Claim 190

As amended, claim 190 recites, *inter alia*, “receiving data about an environment from fixed sensors coupled to the first computer.”

The Office Action asserts Jacobsen discloses this limitation at column 8, lines 45-64. This passage describes sensors of the integrated sensor unit 14 diagramed in FIG. 2 (col. 7, ll. 56-57). Particularly, this passage describes the ECG electrodes 132 and temperature sensors 26 and 30. These sensors are all part of the integrated sensor unit worn by the soldier shown in FIG. 1. By

contrast, claim 190 recites “receiving data about an environment from *fixed* sensors coupled to the first computer” (emphasis added).

Claim 190 also recites “transmitting the at least a portion of the current state from the system to the mobile computer, the at least a portion of the current state including at least one of the environment values.” Jacobsen describes a leader/medic that may remotely instruct an integrated sensor unit of a soldier to provide more frequent updates of the soldier’s physiological data and status (col. 9, ll. 11-19). This instruction may be sent by the leader/medic unit, for example, in response to an indication that there is a threat to the health of the soldier. Jacobsen does not teach or suggest that the instruction sent from the leader/medic unit to the integrated sensor unit includes “at least one of the environment values” as recited in claim 190.

Accordingly, claim 190 patentably distinguishes over the prior art of record, such that the rejection of claim 190 under 35 U.S.C. §102 should be withdrawn.

Claims 184, 185 and 192 depend from claim 190, incorporate all of its limitations, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections, Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicants reserve the right to argue further for the patentability of these claims.

#### New Claim 192

Claim 192 is added to further define Applicant’s contribution to the art. Claim 192 depends from claim 190 and is supported in the specification, for example, on page 12, line 15 – page 14, line 23. Claim 192 recites additional limitations not met by the Jacobsen.

#### General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper.

Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

**CONCLUSION**

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 23/2825 referencing docket no. M1103.70784US00.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. M1103.70784US00 from which the undersigned is authorized to draw.

Dated: *February 12, 2010*

Respectfully submitted,

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